

**BOROUGH OF WIND GAP
29 MECHANIC STREET
WIND GAP, PA 18091
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EXECUTIVE SESSION

The Council met from 7:00 p.m. to 7:30 p.m. for Executive Session at Wind Gap Borough Hall.

The Council meeting of the Borough of Wind Gap on Monday, June 2, 2008, was called to order at 7:30 p.m. by Council President Scott Parson, at which time he reminded those present that the meeting was being recorded. In attendance were Councilpersons: Jon Faust, Kerry Gassler, Todd Beil, George Hinton, Joe Weaver and Tony Curcio. Also in attendance were Mayor Mitchell D. Mogilski, Sr., Alternate Borough Solicitor Leonard Zito, Alternate Borough Engineer Ryan Engler and Borough Administrator Louise Firestone.

Council President Scott Parsons informed those present that Council met in Executive Session to discuss personnel issues, but no action was taken at this time.

OFFICER ARRON FLAD COMMENDATION

Mayor Mitchell D. Mogilski, Sr. read a prepared proclamation commending Officer Flad for the apprehension of criminal John Snuggs and presented it to him. Chief Craig Armitage read a proclamation and applauded Officer Flad for taking the initiative by staying out late that night. Officer Flad stayed out past his shift because there was not an officer coming on duty after him the night that he apprehended Mr. Snuggs. Officer Flad investigated the break in and found the vehicle used during the robbery and recognized that it matched the description the State Police and FBI were looking for in connection with a string of bank robberies. Chief Armitage presented Officer Flad with a commendation. Council Scott Parsons explained that unfortunately State Representative Craig Dally was unable to attend in person tonight sent a citation from the House of Representative of the State of Pennsylvania that Scott read.

PUBLIC COMMENT

1. Robert Matlock, addressed Council with his ongoing concerns related to the Techo-Bloc trucks running 24 hours a day on Alpha Road and using their jake brakes in a residential neighborhood. He stated that trucks are permitted to go south on Alpha Road, but trucks are not permitted to go north on Alpha Road. Bob stated that he has brought this topic up at previous meetings and was informed that the Borough cannot regulate what goes over our streets or time limits that vehicles can travel. He stated that the road is deteriorating to the point of being dangerous because it is difficult to avoid the potholes on Alpha Road. He asked if the Borough could regulate the time that Techo-Bloc trucks could travel the road. He informed Council that the trucks travel 24 hours a day and gives the Borough nothing in return as far as improving the road that their trucks are damaging. He stated that other neighbors have the same complaints, but no one else will appear before Council. When the trucks are coming west from Pen Argyl and executing a left turn onto Alpha Road the swing of the tractor and trailer is tying up two lanes of traffic and causing traffic issues at that intersection. He asked Council to please look into the issue with the trucks on Alpha Road especially since trucks are permitted on one side of 512, but not the other side.

Bob stated that his other issue concerns his own property and the fence on his property. He has a six foot high fence that goes from the back of his property that is 102' and an additional 20' three

foot fence high fence that meets the Borough right-of-way. He asked Council if the Borough has rules and regulations, why is it selective and not the same for everyone who lives in the Borough? The Borough's zoning ordinance should apply to everyone. Someone has to interpret the ordinance and be consistent with enforcing the rules. Scott replied that the Borough has a Zoning Officer and it is her job to make the decisions and or determinations, but Borough Council cannot tell her how to interpret the ordinance. Council cannot tell her how to make a ruling, but Council does have the same right as the public to appeal her ruling. Len Zito stated that Scott is correct with regard to the zoning interpretation, but, the other issue seems to be the concern with the site triangle. Kerry Gassler stated that a previous Zoning Officer did compile a very lengthy list of buildings, plants, etc. that was in the right-of-way. Bob stated that the site triangles in the Borough need to be cleared because some of the intersections are not safe. He stated that the rules and regulations in the ordinance have been violated and are still being violated today. People are constructing things in the right-of-way and this is a Borough issue. Bob stated that he maintains his curb and gutter, but the Borough claims that they own it, but if it goes bad the homeowner is responsible for the necessary repairs. Kerry replied that the Borough has the right-of-way. An option to make the Borough uniform would be to have all property owners install sidewalks and then the right-of-way would be cleared. It would solve the fence, flower bed, site issues, but a lot of people would complain if that was the decided course of action because there are many properties in the Borough without sidewalks. Jon added that the home owner would have to pay for the installation of the sidewalks and then be responsible to maintain the sidewalk including shoveling. He stated that he rides around the Borough and he does not see many people fixing the curbs, but they don't because their road is not being repaired. He asked if it is possible for the Borough to obtain a grant for sidewalks? Todd replied that the Borough is trying to obtain funding. Jon asked if the jake brakes are used in the middle of the night and if they are, could something be done about that? Bob replied that sometimes they do. Scott stated that he has spoken to Mike Goffredo regarding Techo-Bloc using his property as a place to sleep, but some trucks are not all Techo-Bloc trucks. Council agreed to look at the no trucks allowed on upper Alpha, but lower Alpha Road.

APPROVAL OF EXPENSES

On motion by Kerry Gassler to approve the expenses for the month of May in the amount of \$25,422.07 and seconded by Todd Beil. Discussion regarding the bill for S.V.R. Welding for work done in the park in the amount of \$1,297.03. Council requested time to research this invoice.

Motion amended by Kerry Gassler to approve expenses in the amount of \$24,125.04 and seconded by Todd Beil. Roll call vote taken. Motion carried unanimously.

SOLICITOR'S REPORT

Len Zito reported that all the matters being handled by his law office for the Borough during the month of May are outlined in a report. The report includes the meetings attended in May 2008.

Subdivision Matters: Receipt, review and administration of revised plan – Albanese Minor Subdivision (Preliminary/Final).

Receipt, review and administration of revised plan – Emerald Forest Major Subdivision (Preliminary)

Receipt, review and administration of new plan – Jorgensen Minor Subdivision (Preliminary/Final)

Land Development Matters: N/A.

Zoning and Other Land Use Matters: Revise and hand deliver to the Borough two (2) North Broadway Stormwater Easements re: Bettini and Korkos (formerly Bossert).

Developments on Outstanding Litigation: Travel to and from Easton and attendance at Hearing Court and Conference with the Court on Motion in Limine re: Roberti Condemnation.

Court Decisions on Borough Cases: N/A

Miscellaneous: Review various correspondence, subdivision and land development review letters, prepare correspondence, prepare extension agreements and approval forms for subdivision and land development matters, and make and receive telephone calls.

Outstanding Items: West Seventh Street: received metes and bounds description from Borough Engineer. Does Borough wish to proceed with street ordination and attempt to obtain property from adjoining property owners? Keenhold Condemnation - need to determine value of partial taking. Dentith storm water counterclaim (filed in response to Borough's injunction lawsuit and request for Borough's expenses) – no action taken and remains pending. Ordinance for loitering, begging and panhandling – pending but inactive. Ordinance for Office Staff pension – pending meeting with Principal's Representatives. Ordinance for reimbursement of equipment, materials, and supplies in responding to environmental, hazardous, safety or rescue events (police, fire or both?) – pending but inactive.

On motion by Kerry Gassler to proceed with West Seventh Street ordination and seconded by George Hinton. Roll call vote taken. Motion carried unanimously.

Kerry asked if a price has been determined on the value of the Keenhold condemnation. George added that Mr. Keenhold contacted him to notify the Borough that he is having his engineer design a drawing of an entrance off of the proposed road, if it is built, to that property, then he would more than likely forego any money.

On motion by Kerry Gassler to direct the Solicitor to obtain 3 appraisers for Keenhold's property and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously.

ENGINEER'S REPORT

Ryan Engler reported that they are working on the West Street culverts. They have been working on the PNDI reports, and they had a hit with DCNR so the reports and description were sent out and there should not be a problem with those projects because the work would be in the Borough's right-of-way. DCNR should not have a problem with these projects. They are working on upland drainage calculations.

Regarding the Roberti property, a retaining wall would probably have to be placed on the north side, but they are still waiting for the drawings from LandStudies to move forward with this project.

Ryan reported that Borough Engineer, Brian Pysher, met with Joe Ramo regarding the RPM facility driveway issue. Joe informed Brian that he would do whatever was necessary to speed up the process to get the road improved. George, John and Greg Findon met to discuss the relocation of the utility pole and a stake with a flag has been put where the new pole will be located. Louise will follow up with LandStudies to get the drawings for Brian.

Todd Beil stated that the Planning Commission has three plans before them for this Thursday, but there as of today, there are no engineering review letters completed. Ryan to follow up with this.

NEW BUSINESS

1. Street Sweeping Bids. George reported that three bids were received:
East Penn Sweeping - \$90 per hour – no water would be used.
Muschlitz - \$115 per hour – would use water
Hanson - \$145 per hour – would use water.

On motion by Kerry Gassler to hire Muschlitz at \$115 per hour using water and seconded by Jon Faust. Roll call vote taken. Motion carried unanimously.

2. Todd Beil asked if the Borough has put the oil out to bid for the coming heating season.
On motion by Todd Beil to advertise for oil bids for this winter and seconded by Jon Faust. Roll call vote taken. Motion carried unanimously.

OLD BUSINESS

1. Wind Gap Fire Company Parade. Council asked Attorney Zito if Fire Chief, Jon Faust was allowed to vote on this issue because of his position in the Fire Company. Mr. Zito informed Council that because Jon Faust has no pecuniary interest in this parade, he is entitled to vote.

On motion by Kerry Gassler to approve the First Annual Fire Company Parade to be held on Saturday, June 28, 2008 and seconded by Todd Beil. Roll call vote taken. Motion carried unanimously.

On motion by Tony Curcio to adjourn the meeting of June 2, 2008 and seconded by Todd Beil. Council agreed unanimously. The meeting of June 2, 2008 adjourned at 8:30 p.m.

Louise Firestone, Borough Administrator